

New Federal Regulations For Race/Ethnicity Data

The U. S. Department of Education (ED) is revising the way state education agencies & local education agencies are expected to maintain, collect, and report data on race and ethnicity. States will be required to report summarized data to ED using these new standards. The new standards are part of federal education reports that districts and states submit to receive funds such as those provided through the Elementary and Secondary Act (ESEA) and also are part of the required ED accountability reports collected through the EDFacts data collection system. Within ED, the Office of Civil Rights collects data at the school and district levels to assist with its enforcement of laws prohibiting discrimination on the basis of race and national origin, among other personal characteristics. Under the Individuals with Disability Education Act (IDEA), states are required to collect race and ethnicity data on students with disabilities. Data collected through the Office of Elementary and Secondary Education that account for progress in meeting the goals of the No Child Left Behind (NCLB) Act include information about students' race and ethnicity. These are examples of data collections tied to federal funding that must comply with the new OMB guidance for collecting racial and ethnic data. The new race and ethnicity categories are also used by other federal agencies in civil rights, compliance monitoring and equal employment reporting for the public and private sectors, and for all levels of government. These racial and ethnic data standards have already been implemented by other federal agencies.

Changes in Regulations For Collecting Race/ Ethnicity Information

Federal agencies have been working to implement the regulations adopted by the U.S., Office of Management and Budget since 1997, and the Department of Education is among the last to finalize adoption, making education data consistent with the Census data and other national data sets. Specifically, the major issue the federal government is trying to clear up is the distinction between race and ethnicity. The change will allow individuals the opportunity to select multiple races to more fully describe their heritage. The new regulations specify the following five race categories:

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

Please note that Hispanic/Latino/Mexican is considered an ethnicity, not a race. Realizing this is crucial to understanding the changes being made in terms of collecting

data and reporting data. The Federal regulations specifically address how data will be collected by schools and districts. A two-part question—both parts of which must be answered—must be implemented for fall 2010 enrollments. (ADE highly recommends that the data be collected from all students and staff – not just new enrollees.) The order of the questions is important: Part A must be asked first, then Part B.

Part A: Is this student Hispanic/Latino? (Choose only one)

- **No, not Hispanic/Latino**
- **Yes, Hispanic/Latino** (A person who is Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race.)

The above part of the question is about ethnicity, not race. No matter what you selected above, please continue to answer the following by marking one or more boxes to indicate what you consider your student's race to be.

Part B: What is the student's race?
(Choose one or more)

- **American Indian or Alaska Native** (A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation)
- **Asian** (A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.)
- **Black or African American** (A person having origins in any of the black racial groups of Africa.)
- **Native Hawaiian or Other Pacific Islander** (A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.)
- **White** (A person having origins in any of the original peoples of Europe, the Middle East or North Africa.)

Race and Ethnicity Data Collection FAQ

Questions parents and students may ask regarding the federal government's new race and ethnicity data collection policy:

Q: Why is this information needed?

A: In the last few decades, the demographics of our society have changed significantly. As a result, the Federal Government issued new race and ethnicity reporting categories which allow students and staff to describe who they are in a more accurate manner. This

information is also used for funding and evaluation purposes, as well as civil rights compliance. Racial and ethnic data also aids in evaluating placement and program needs. The U.S. Census first utilized these new categories in 2000, Health agencies have completed adoption in their data collections. The Federal Equal Opportunities Commission (EEOC) began collecting data using these categories in 2007, and education will follow.

Q: Haven't we provided this information before? Why do you need to ask again?

A: The federal government is collecting this data in a different way. To ensure that everyone has the opportunity to identify him or herself more accurately, the data are being recollected.

Q: Will the school release my student's race and ethnicity to other parties?

A: No, individual student records are protected by the Federal Education Records and Privacy Act (FERPA). The new race and ethnicity categories have no effect on FERPA's protection of student records. FERPA does not designate race and ethnicity as directory information, and race and ethnicity have the same protection as any other non-directory information in a student's education record. This information will not be reported to any Federal agency in a way that would identify you or your child. No one will check immigration status from the information you give here, nor will your student be discriminated against in any way. However, the total number of students in each category of each school is reported to ensure schools are receiving the proper educational programs and services they need.

Q: Why do Hispanic/Latino students need to identify a race?

A: The Federal Government recognizes the fact that members of Hispanic populations can be of different races. Marking a person's ethnicity and race are two parts of one question. If the question is not answered completely, an observer must fill in the missing information on the person's behalf.

Q: Can I refuse to provide this information?

A: Yes, however, if one chooses not to provide such information, schools are required to provide an answer on one's behalf.

How Will Schools Report to ADE?

Schools and districts will report this data to ADE via SAIS and other student-level data collections in the same manner in which it was collected from the individual.

Hispanic/Latino Ethnicity will be a Yes/No field and Race will be a separate field allowing one or more of the five racial categories to be reported.

What Does this Mean for Districts?

It means that districts will need to change enrollment forms this winter/spring. Student Information System (SIS) vendors will need to modify their systems this spring. This should be done at no charge to districts. (*Note: ADE has already been talking with SIS vendors regarding the changes.*) District enrollment forms will need to implement the two-part question for all fall 2010 enrollees. Districts should plan to train staff to assist enrollees in responding to the two part question.

How Will Data Be Reported to the Federal Government and Public?

When ADE reports the data to the Federal Government and to the public (via the Report Card), the data will be summarized and will include each individual in exactly one of the following seven categories:

1. Hispanic/Latino of any race

For individuals who are non-Hispanic/Latino only:

2. American Indian or Alaskan Native
3. Asian
4. Black or African American
5. Native Hawaiian or Other Pacific Islander
6. White
7. Two or more races

Individuals included in Hispanic/Latino **will not** be included in any other category for reporting purposes. This ensures that when assessment data are disaggregated, the assessment scores of Hispanic/Latino students will not also be in the racial category.